

**SUPREME COURT MINUTES
FRIDAY, JULY 31, 2009
SAN FRANCISCO, CALIFORNIA**

S069959**PEOPLE v. LEWIS
(MICHAEL BERNARD)**

Time extended to consider modification or rehearing

The time for granting or denying rehearing in the above-entitled case is hereby extended to October 14, 2009, or the date upon which rehearing is either granted or denied, whichever occurs first.

S047868**PEOPLE v. GEORGE
(JOHNATON SAMPSON)**

Extension of time granted

Good cause appearing, and based upon counsel Bruce Eric Cohen's representation that he anticipates filing the appellant's reply brief by June 1, 2010, counsel's request for an extension of time in which to file that brief is granted to September 25, 2009. After that date, only four further extensions totaling about 250 additional days are contemplated.

S050102**PEOPLE v. HENSLEY (PAUL
LOYDE)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Clifford E. Zall's representation that he anticipates filing the respondent's brief by October 2, 2009, counsel's request for an extension of time in which to file that brief is granted to October 2, 2009. After that date, no further extension is contemplated.

S052210**PEOPLE v. RODRIGUEZ, JR.,
(JERRY)**

Extension of time granted

Good cause appearing, and based upon counsel Katherine Alfieri's representation that she anticipates filing the appellant's opening brief by February 1, 2010, counsel's request for an extension of time in which to file that brief is granted to October 2, 2009. After that date, only two further extensions totaling about 120 additional days are contemplated.

S057156**PEOPLE v. CASE (CHARLES EDWARD)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Robin Kallman's representation that she anticipates filing the appellant's opening brief by August 3, 2010, counsel's request for an extension of time in which to file that brief is granted to October 2, 2009. After that date, only five further extensions totaling about 300 additional days are contemplated.

S065573**PEOPLE v. BECERRA (FRANK KALIL)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Alison Bernstein's representation that she anticipates filing the appellant's reply brief by November 2009, counsel's request for an extension of time in which to file that brief is granted to September 29, 2009. After that date, only one further extension totaling about 60 additional days is contemplated.

S077033**PEOPLE v. DUENAS (ENRIQUE PARRA)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Taylor Nguyen's representation that she anticipates filing the respondent's brief by November 6, 2009, counsel's request for an extension of time in which to file that brief is granted to September 28, 2009. After that date, only one further extension totaling about 40 additional days is contemplated.

S078027**PEOPLE v. STREETER (HOWARD LARCELL)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Melissa Mandel's representation that she anticipates filing the respondent's brief by September 8, 2009, counsel's request for an extension of time in which to file that brief is granted to September 8, 2009. After that date, no further extension is contemplated.

S086578**PEOPLE v. LOOT (KENDRICK) & MILLSAP (BRUCE)**

Extension of time granted

Good cause appearing, and based upon counsel Manuel J. Baglanis's representation that he anticipates filing appellant Bruce Millsap's opening brief by October 2010, counsel's request for an extension of time in which to file that brief is granted to September 28, 2009. After that date,

only seven further extensions totaling about 390 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S111336**FIGUEROA (VICENTE
BENAVIDES) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Kelly E. LeBel's representation that she anticipates filing the informal response to the corrected amended petition for writ of habeas corpus by August 3, 2010, counsel's request for an extension of time in which to file that document is granted to October 1, 2009. After that date, only five further extensions totaling about 300 additional days are contemplated.

S115378**PEOPLE v. WOODRUFF
(STEVE)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to September 28, 2009.

S140140**ELLIOT (MICHAEL LEE) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Stephanie A. Mitchell's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by October 26, 2009, counsel's request for an extension of time in which to file that document is granted to September 25, 2009. After that date, only one further extension totaling about 30 additional days is contemplated.

S170528

A117503 First Appellate District, Div. 5

**PEOPLE v. FONTANA
(DANNY ALFRED)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to September 14, 2009.

S170966**ALFARO (MARIA DEL
ROSIO) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Kyle Niki Shaffer's representation that she anticipates filing the informal response to the petition for habeas corpus by December 7, 2009, counsel's request for an extension of time in which to file that document is granted to October 6, 2009. After that date, only one further extension totaling about 60 additional days is contemplated.

S172438**WATKINS (PAUL SODOA)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Stephanie A. Miyoshi's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by May 28, 2010, counsel's request for an extension of time in which to file that document is granted to September 25, 2009. After that date, only four further extensions totaling about 240 additional days are contemplated.

S098318**PEOPLE v. HENDERSON
(PAUL NATHAN)**

Order appointing Habeas Corpus Resource Center filed

Upon request of appellant for appointment of counsel, the Habeas Corpus Resource Center is hereby appointed to represent appellant Paul Nathan Henderson for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court.

S175080**HOLTSINGER (MICHAEL) v.
S.C. (PEOPLE)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two

The above entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S153540**MITCHELL ON DISCIPLINE**

Probation revoked

The court orders that the probation of THOMAS RALPH MITCHELL, State Bar Number 199953, is revoked. The court further orders that THOMAS RALPH MITCHELL is placed on probation for two years subject to the following conditions:

1. THOMAS RALPH MITCHELL is suspended from the practice of law in California for the first year of his probation (with credit given for the period of involuntary inactive enrollment which commenced on February 23, 2009).
2. THOMAS RALPH MITCHELL must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order filed on February 20, 2009.

THOMAS RALPH MITCHELL must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S174575**ACHEN ON RESIGNATION**

Resignation accepted with disciplinary proceeding pending

The voluntary resignation of ALAN KUERTH ACHEN, State Bar Number 85832, as a member of the State Bar of California is accepted. If ALAN KUERTH ACHEN subsequently seeks reinstatement, the State Bar may consider all disciplinary charges that are currently pending against him.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
SEPTEMBER 2, 2009**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on September 2, 2009.

WEDNESDAY, SEPTEMBER 2, 2009—9:00 A.M.

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| S149752 | Roby v. McKesson HBOC et al. |
| S163335 | Costco Wholesale Corp. v. Superior Court of Los Angeles County (Greg Randall et al., Real Parties in Interest) (<i>Kennard, J., not participating; O’Leary, J., assigned justice pro tempore</i>) |
| S161385 | Schachter v. Citigroup, Inc. et al. (<i>Kennard and Corrigan, JJ., not participating; McConnell and Ramirez, JJ., assigned justices pro tempore</i>) |

1:30 P.M.

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| S166747 | Johnson v. Greenelsh |
| S158852 | People v. Stevens (Lorenzo) |
| S163811 | People v. Concha (Reyas) and Hernandez (Julio) |

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)